

DEPARTMENT OF STATE REVENUE
SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 28-930585 CSET
CONTROLLED SUBSTANCE EXCISE TAX
FOR TAX PERIODS: 1993

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ISSUE

1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION

Authority: IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

Taxpayer was arrested for possession marijuana. The Indiana Department of Revenue issued a record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on June 28, 1993 in a base tax amount of \$909,324.00. Taxpayer filed a protest to the assessment. Neither Taxpayer nor his attorney appeared for the hearing scheduled for January 11, 2000. A Letter of Findings denying Taxpayer's protest was issued on January 28, 2000. Taxpayer requested and was granted a rehearing. Further facts will be provided as necessary.

Controlled Substance Excise Tax-Imposition

Discussion

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession and delivery of marijuana in the State of Indiana. Taxpayer bears the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). Although, taxpayer suffered from a stroke which impaired his memory and he had little recollection of the incident, he still bears the burden of proof. The police officers' reports and Indiana State Police Laboratory report indicate that Taxpayer was in possession of marijuana. Taxpayer did not sustain his burden of proving that the assessment was incorrect.

Finding

Taxpayer's protest is denied.